

Reply, dated October 15, 2003  
Serial No. 09/223,972

### REMARKS

Reconsideration of the rejections set forth in the Office Action dated July 15, 2003, and reconsideration of the positions taken in the Advisory Action dated October 8, 2003, is respectfully requested in view of the following arguments. By this Amendment, new claims 13-16 have been added. Currently, claims 1-16 are pending in this application.

#### Rejection under 35 U.S.C. 102(e)

In the office action, claims 1, 3, and 7-12 were rejected under 35 U.S.C. 102(e) as anticipated by Newman (U.S. Patent No. 5,978,940). Specifically, the Examiner took the position in the office action that:

Newman discloses a telecommunication server (570, Fig. 5) comprising:  
a) an interface to a data network for communicating with a client (500 Fig. 5)  
b) an interface (fig. 2) to a plurality of computer telephony resources including call router (4, fig. 1b), fax/voice processing units (7, 9, fig. 1b)  
c) a CORBA middleware (580, fig. 5) for receiving and decoding a request from the client an object-oriented language independent request for accessing the resources.

Fig. 2 of Newman is a "Telecommunications System test Platform." Fig. 2 thus illustrates the overall platform that will be used to test the network. One of the components of the test platform illustrated in Fig. 2 is the TSERV 280. As shown in Fig. 2, the TSERV 280 interfaces test applications 1-N with the SQL database. Additional details about the TSERV 280 are provided in connection with Fig. 5 of Newman (col. 23, lines 26-28: "With reference now to FIG. 5, the detail of the actual TSERV software processes is depicted."). Fig. 5, and the components of Fig. 5, must therefore be viewed as being part of the TSERV 280 since Newman specifically states that this is so.

The Examiner's rejection states that Newman teaches a telecommunications server. As

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support for this position, the Examiner points to server 570 and Fig. 5. This server 570 must be part of the TSERV 280 since Fig. 5 illustrates the details of the TSERV 280. Looking at TSERV 280 in Fig. 2, it is clear that the TSERV 280 does not include an interface to a telephony resource. Instead, the TSERV 280 is connected to two things – the test applications and the SQL database. Accordingly, applicants respectfully submit that the server 570 does not include an interface to a computer telephony resource.

Moreover, the CORBA middleware that forms the heart of the TSERV 280 (as illustrated in Fig. 5) does not interface the test applications with the network. Rather, as set forth in Col. 16, line 58 to col. 17, line 6, the TSERV process provides a client API to all test applications. The test applications use this API to access their view of a test case from the database when ready to perform the test case.

The test applications, once they have their test case, talk directly to the network under test. As set forth in Newman at col. 16, line 66 to col. 17, line 6, a test application is typically executed on a personal computer coupled to an originating switch through a circuit, or trunk (e.g. by means of a test unit like SAGE, AMERICTEC, DIALOGIC, etc.). Thus, the TSERV with its CORBA bus, is not used to “access” the network resources. Rather, it is used to connect TEAMS clients to test applications and to connect test applications to a database.

The Examiner has taken the position in the advisory action that:

Running a test on a network resource component (e.g., call router) is in fact a particular operation of accessing the resource because one must have access to the resource in order for performing a test on the resource. The fact that other operations, such as reading/modifying resource's parameters, could also be used under accessing the resource operation does not exclude any particular application such as testing. Since running tests on the resource is within the scope of “accessing the resource”, Newman's teaching is seen meeting the claim limitation.

This position does not address applicant's arguments. Applicants are not arguing that

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"accessing" cannot include "testing." Instead, applicants are arguing (1) that the server does not include an interface to the network resources; and (2) that the CORBA bus in Newman is not used to receive a first request from a client application containing a request for access to the computer telephony resource. Rather, the request that is handled by the CORBA bus in Newman is a request to load a test application with a test case so that tests can be run on the network. Accordingly, applicants respectfully submit that Newman fails to anticipate the claims of this application.

#### Previous Arguments

Applicants made other arguments in the previous response to point out particular additional deficiencies in Newman. Several of these arguments were not addressed in detail in the Advisory Action, and applicants respectfully request further consideration of these arguments. For example, in response to the office action, applicants stated:

The Examiner has taken the position that Newman discloses a telecommunications server 570. This is incorrect. Newman explains that the TSERV (TMC) 570 is a TSERV Management Console (Col. 23, lines 40-44). The TSERV management console 570 "accesses the ORB 580 to obtain access to the aforementioned applications [502-540] and couples with the oracle SQL DB 550 to obtain information." Thus, element 570 in Newman is not a telecommunications server but rather is a management console in the test system disclosed in Newman.

Since a management console is not a telecommunication server, as posited by the Examiner, applicants respectfully request reconsideration of this position by the Examiner.

Additionally, in response to the office action, applicants stated:

The Examiner also asserts that the interface is to a call router and fax/voice processing units, citing Fig. 1b. Fig. 1b in Newman illustrates one example of a network that may be tested by Newman's testing device. The network elements are not connected to the TSERV Management Console as asserted by the Examiner. Rather, as is clear in Fig. 2, the network under test 200 is connected by

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the SAVE interface to the network information concentrator 220, directly to the network information concentrator NIC 220, or directly to the SQL database 240. Accordingly, none of the network elements making up the network under test are connected to the TSERV Management Console 570.

Applicants respectfully request the Examiner to explain how the network under test 200 is connected to the TSERV management console 570.

Dependent Claim 8

With respect to claim 8, applicants respectfully submit that Newman does not teach or suggest that the resource should be a facsimile device or that the means for receiving an object-oriented, language independent request from the client application should include means for receiving a request for access to the facsimile device.

In the advisory action, the Examiner cited col. 10, line 60-col. 11, line 8; and col. 12, lines 38-56 as support for the position that Newman teaches that the resource should be a facsimile device. Applicants respectfully submit that these portions do not support the Examiner's position. At col. 10, line 60 to col. 11, line 8, Newman recites a list of things that may be tested by the test platform. Facsimile devices are not mentioned. At col. 12, lines 38-56, Newman states that the Enhanced Voice Services module EVS 9, offers "menu-based routing services in addition to a number of other value-added features." Newman goes on to say that the EVS "offers specialized services for voice mail and fax routing." A device that offers specialized services for voice mail and fax routing is not a facsimile device as that term is conventionally used. Accordingly, applicants respectfully request that the rejection of claim 8 be withdrawn for this additional reason.

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Independent Claim 12

With respect to independent claim 12, applicants stated in response to the last office action:

Independent claim 12 recites a method for providing remote services by a server, coupled to a computer telephony resource. The Examiner has not indicated where Newman teaches a method of this nature. Additionally, independent claim 12 recites receiving a first request from a client application, said first request containing a second request, decoding the second request to determine a parameter needed by a computer telephony resource, and passing the parameter to the computer telephony resource. The TSERV management console, to the extent it receives requests of any nature, certainly does not pass parameters from the requests to computer telephony resources.

Since these arguments weren't addressed specifically in the advisory action, applicants respectfully reiterate these arguments herein and request the Examiner to reconsider the rejection of this claim in light of these arguments.

Rejection under 35 U.S.C. 103

Claims 2 and 4-6 were rejected under 35 U.S.C. 103 as unpatentable over Newman in view of Jordan (U.S. Patent No. 6,163,535). Since Jordan fails to make up the deficiencies noted above with respect to Newman, applicants respectfully request that this rejection be withdrawn.

New Claims

Several new claims have been submitted herewith. New claim 13 depends from claim 1 and recites "wherein the second request for access to the computer telephony resource is a request for the provision of services by the computer telephony service." Applicants respectfully submit that Newman fails to teach the use of a second request to request the provision of services

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by the computer telephony service. Accordingly, this new claim is believed patentable over Newman.

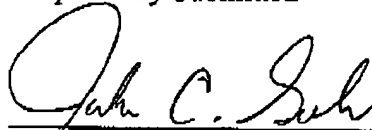
New independent claim 14 has been written to not invoke 35 USC 112, sixth paragraph. Applicants respectfully request consideration of this claim and claims 15 and 16 dependent thereon.

Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-HU0125).

Respectfully Submitted



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